IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 28707 of 2006(P)

PETITIONERS:

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1. PROF. G.SOMANATHA PILLAI,
S/O. N. VASUDEVAN NAIR, `DEVIKA', KOTTAYAM WEST PO KOTTAYAM DISTRICT (RTD. SEL. GR. LECTURER, NSS HINDU COLLEGE, CHANGANACHERRY).

2. PROF. A.S.RAMACHANDRAN,
S/O. P.V. VASU PILLAI, `SREEVILAS', RAMANKARY P.O. ALAPPUZHA DIST.(RTD. -DO-)

3. PROL.SMT.T.NALINAM,
W/O. N.JAGADEESAN NAIR, `AATHIRA',
PANACHIKKAVU P.O., PERUNNA, CHANGANACHERRY.
(RTD. -DO-)

4. PROF.T.N.SREEDHARAN,
S/O. P.K.VASUDEVA KURUP, `SREETHILAKAM',
VIDYA NAGAR, PERUNNA P.O., CHANGANACHERRY.(RTD. DO.)

5. PROF. R.RAMACHANDRAN NAIR,
S/O.N.RAGHAVAN NAIR, `SUDARSHANA',PERUNNA EAST P.O CHANGANACHERRY.(RTD. DO.)

6. PROF. G.BHASKARA KURUP,
S/O.R.GOPALAN NAIR, `USHUS', CHAMPAKARA P.O., KARUKACHAL, KOTTAYAM DIST.(RTD. (SVR. NSS COLLEGE, VAZHOOR)

7. PROF. N.JAGADEESAN NAIR,
S/O.N.KOCHU NARAYANA KURUP, `AATHIRA',
PANACHIKKAVU P.O., PERUNNA, CHANGANACHERRY.
(RTD. NSS HINDU COLLEGE, CHANGANACHERRY)

8. PROF. M.N.PILLAI,
S/O. V.P.NARAYANA PILLAI, `SREEVALSAM',
MARKET ROAD, PALIAKARA, THIRUVALLA,
PATHANAMTHITTA DIST.(RTD. DO. DO.)

9. PROF.K.K.RAJAN PANICKER,
S/O.KOCHUKUNJU NAIR, `MANJIMA', UTHIMOOD P.O.,
RANNI, PATHANAMTHITTA DIST.(RTD.) S.V.R. NSS. COLLEGE,
VAZHOOR).

BY ADV. SRI.V.K.PEERMOHAMED KHAN

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVT.,
FINANCE DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF TREASURIES,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER (SMT. M.R. SREELATHA)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 28707 OF 2006 P

PETITIONERS' EXHIBITS:

EXT.P1	**TRUE COPY OF THE ORDER IN G.O.(P) NO.171/99/H. EDN. ISSUED BY THE GOVERNMENT OF KERALA DATED 21.12.1999.**
EXT.P2	**TRUE COPY OF THE CLARIFICATION LETTER ISSUED BY THE GOVERNMENT OF KERALA AS NO.4420/PRU-2/06/FIN. DATED 23.2.2006.**
EXT.P3	**TRUE COPY OF RELEVANT PAGES OF THE ORDER IN G.O.(P) NO.180/2006/FIN. DATED 18.4.2006 ISSUED BY THE GOVERNMENT OF KERALA.**
EXT.P4	**TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.4123 OF 2006 (N) OF THE HONOURABLE HIGH COURT OF KERALA.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 28707 OF 2006 P

Dated this the 12th December, 2006

JUDGMENT

Prayer in the Writ Petition is to direct the respondents to pass consequential orders on Ext.P3 and to disburse the revised pensionary benefits to the petitioners. Case of the petitioners, in brief, is as follows:

Petitioners are retired College Lecturers governed by the UGC Scheme. They retired after 1.1.1996 and before 1.7.2004. Government of Kerala implemented the UGC Scheme of Scale of Pay in the State. As per Ext.P1, retired College Teachers are governed under Kerala State Service Pension Rules. As per Ext.P2, the Government clarified that State Pension Structure is applicable to retired College Teachers and they are eligible to interim relief granted to the State service pensioners. By Ext.P3, the Government issued orders on the revision of pension and other related benefits to the service pensioners. It is stated in the Order that in the case of pensioners who retired after changing

over to UGC Scheme, orders shall be issued separately. It is stated that no separate orders are issued in this regard. Petitioners rely on Ext.P4 Judgment. But, the learned Government Pleader would point out that the said Judgment has been reviewed in R.P. No.1024/06 dated 29.11.2006. She submits that a decision will be taken in the light of the Judgment as reviewed. In such circumstances, I find that the petitioners herein are also entitled to the same relief as was granted in the Review Petition in Ext.P4. Accordingly, this Writ Petition also is disposed of in terms of the Order in the Review Petition, directing the second respondent to pass consequential orders within the time limit fixed in the said Review Petition in the case of the petitioners herein also. Petitioners will make available a copy of the Order in the Review Petition before second respondent. The amounts payable to the petitioners will be disbursed at the earliest.

Kbk. **K. M. JOSEPH, JUDGE**